

ENTERED

August 30, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

PATRICIA J. NEUMANN,

Plaintiff,

VS.

KILOLO KIJAKAZI,

Defendant.

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Civil Case No. 6:22-CV-00048

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the July 10, 2023 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Mitchel Neurock. (Dkt. No. 13). Judge Neurock made findings and conclusions and recommended that Plaintiff’s Motion for Summary Judgment, (Dkt. No. 11), be denied. (*See* Dkt. No. 13).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On July 24, 2023, Plaintiff filed two objections. (Dkt. No. 14). First, Plaintiff argues that she presented medical evidence from her treating physician and from an examining physician that shows she meets the criteria of Listing 12.06. (*Id.* at 1-2). Second, Plaintiff argues that the ALJ refuted the medical evidence from Plaintiff’s physicians without substantial evidence. (*Id.* at 1-3).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in

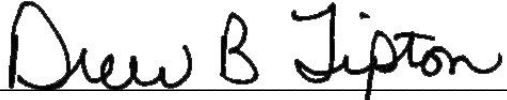
part, the findings or recommendations made by the magistrate judge.” *Id.*; see also Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Neurock’s M&R, (Dkt. No. 13), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff’s Motion for Summary Judgment, (Dkt. No. 11), is **DENIED**.

It is SO ORDERED.

Signed on August 29, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE